

stand rejected. Applicant has amended claims 18, 19, 32 and 33. No new matter has been added.

The specification has been amended to correct a typographical error, specifically the continuation-in-part application number. No new matter has been entered.

Objection of Claims 18, 19, 32 and 33

The Examiner objected to claims 18, 19, 32 and 33 for utilizing the abbreviation "TCAP". These claims have now been amended to write out the abbreviation for greater clarity. No new matter has been entered. Withdrawal of the objection is respectfully requested.

Rejection of Claims 1-43 under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 1-43 under 35 U.S.C. §112, second paragraph, as being indefinite for utilizing the word "type". Applicant respectfully disagrees. Claims 1-43 call for a "destination address type" which is fully supported in the specification. For example, as detailed in the Disclosure of the Invention on page 11, second full paragraph, a caller speaks the name of the person they wish to forward or leave a message to, along with "the type of address information to be accessed, for example fax number, email address, home address, etc." Accordingly, the claimed phrase "destination address type" represents an address format selectable by the caller, with the word "type" utilized as a noun or thing actually being claimed. In comparison, section 2173.05(b) of the MPEP, which states that the usage of the word "type" may make a claim indefinite, provides the example where the word "type" is used as an adjective or qualifier to a noun. Specifically, the MPEP quotes the

phrase "ZSM-5-type aluminosilicate zeolites" from *Ex parte Attig*, 7 USPQ2d 1092 (Bd. Pat. App & Inter. 1986). Unlike *Ex parte Attig*, which tried to further identify a thing (aluminosilicate zeolites) with a qualifier (ZSM-5-type), the Applicant is claiming a thing (address type) which by its nature comes in several formats (email, phone, etc.). Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Rejection of Claims 1, 2 and 43 under 35 U.S.C. §102(b)

The Examiner rejected claims 1, 2 and 43 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,479,488 to Lennig et al. (Lennig). Lennig discloses a directory assistance apparatus for reducing operator involvement during a call. As with any network device that employs some form of speech recognition, Lennig includes the use of a voice processing unit 14, a switching network 12 and a control unit 10 (see column 4, lines 15-22). However, these devices are configured to perform entirely different functions than Applicant's system.

Applicant's claimed system is a messaging system that allows a user to verbally lookup various addresses or contact numbers associated with a person and then forward a message in a variety of formats to that person. As recited in claim 1, a voice processing unit records a destination party identity and destination address type (i.e. voicemail, email, fax number, etc.). A master control unit then identifies a directory database based on the destination party identity and destination address type submitted by the caller. The master control unit then generates a destination address query to the identified directory database, and in response to

receiving a reply from that database, can transfer a message to the appropriate destination.

Unlike Applicant's claimed messaging system, the directory assistance apparatus of Lennig does not disclose any means of looking up various contact numbers or addresses of a person based on a destination address type such as voicemail, email, and fax. Instead, Lennig discloses a system for at least partially automating a directory assistance call to reduce human operator involvement.

As described starting at column 5, line 62, and continuing on through column 6, when a directory assistance call is received, the system of Lennig first determines whether the number of the calling party is known. If it is, the voice-processing unit issues a bilingual greeting and prompts the caller for a preferred choice of language. The system then announces the message "For what city?", prompting the caller to state the name of the locality they are trying to gather information from. If the locality name is recognized, the system will then either attempt to recognize the sought after listing if it is a business listing, or forward the calling party on to a human operator.

Lennig assumes that all messages are telephone numbers and does not even acknowledge that different destination address types are possible (see, e.g., col. 2, line 16 to col. 3, line 30; Figure 3B), let alone teach obtaining information on the destination address type from a calling party like the claimed invention. Further because Lennig completely ignores the destination address type, it also fails to suggest generating a destination address query in response to a destination party identity and destination address type, nor does

Lennig teach initiating a transfer of any message to a destination party. Instead, Lennig simply transfers a caller to an operator or a computer that plays back a main number (Figure 3B) without actually forwarding a message to any destination address. The Office Action therefore fails to establish a prima facie case of obviousness with respect to claims 1, 2 and 43, and withdrawal of the rejection is respectfully requested.

Rejection of Claims 15, 24, 34, 38 and 39 under 35 U.S.C. §102(b)

The Examiner rejected claims 15, 24, 34, 38 and 39 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,193,110 to Jones et al. (Jones). Jones discloses an integrated services platform for a telephone communication system. As discussed in the Summary of the Invention (column 1, starting at line 52), the system of Jones provides for a voice mail message service and a facsimile processing service on a single platform. Additional information services, such as videotext and email, may be added to an existing platform having a voice mail message service.

However, Jones suffers from the same disadvantage that the Applicant's system is designed to overcome. Specifically, as discussed in the specification in the first full paragraph on page 5, prior art systems require that a "user of the voice mail system must manually key in the destination telephone number for the called party" when, for example, the number acts as an information mailbox address. As further emphasized on page 5 and continuing on in page 6, this type of arrangement is neither practical nor necessarily safe.

Yet, as stated in the Description of the Preferred Embodiment, in column 6, line 38 of Jones, the VPU (voice processing unit) makes a request for the mailbox number, receives the number from the caller and provides the number to the MCU (master control unit). In contrast, independent claims 15, 24 and 34 all call for entering a destination party identity and destination address type by speech recognition, whereupon based on this party identity and address type, a directory database is queried and a directory response returned to the messaging system so as to allow it to forward a message to the appropriate address. Accordingly, Jones does not teach each element of the presently claimed invention, and for this reason, Applicant requests that this rejection be withdrawn.

Rejection of Claims 3-14 under 35 U.S.C. §103(a)

The Examiner rejected dependent claims 3-14 under 35 U.S.C. §103(a) as being obvious over Lennig in view of Jones et al. As discussed above, Lennig discloses a directory assistance apparatus that does not provide for the transferring of a message. Nowhere in its patent does Lennig suggest combining its technology with a messaging system such as the integrated services platform disclosed by Jones. Similarly, nowhere in Jones does it suggest combining its messaging system for an integrated services platform with a directory assistance apparatus patented by Lennig. Accordingly, no motivation exists to incorporate one of these devices with another.

Additionally, even if the motivation to combine the above two references existed, their fusion would result in a system or apparatus that still would not teach or suggest each element of the presently claimed invention.

Specifically, neither Lennig or Jones discloses the submitting of a query to a directory database based on both a destination party identity and a destination address type in order to retrieve one of a variety of a party's addresses (*i.e. voicemail, email or fax*). For the above reasons, Applicant requests that this rejection be withdrawn.

Rejection of Claims 16-23, 25-33, 35-37 and 40-42 under 35 U.S.C. §103(a)

The Examiner rejected dependent claims 16-23, 25-33, 35-37 and 40-42 under 35 U.S.C. §103(a) as being obvious over Jones et al. in view of Lennig et al. However, as discussed just above, neither reference provides any motivation to combine its technology with the other. Additionally, even if combined, the resultant device would still fail to teach or suggest each element of the claimed invention. Accordingly, it is requested that this rejection be withdrawn.

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Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Any fees associated with the filing of this paper should be identified in any accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC.

Respectfully submitted,

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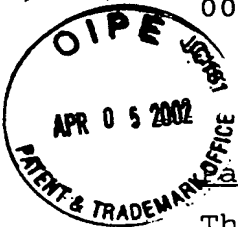
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CERTIFICATE OF MAILING

I hereby certify that the enclosed Amendment is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 on this 7th day of MARCH, 2002.

Christy Taylor
Christy Taylor



Marked Up Version of the Amended Paragraphs

Page 1, first paragraph:

This application claims priority from and is a continuation-in-part of commonly assigned, co-pending U.S. Patent Application Serial No. ~~08/057,369~~ 09/057,369, filed April 9, 1998.

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Marked Up Version of All Amended Claims

18. (Once amended) The system of claim 17, wherein the destination address query and the directory response are each transported via the data network as transaction capability application part (TCAP) query and TCAP response messages, respectively.

19. (Once amended) The system of claim 17, wherein the destination address query and the directory response are each transported via the data network according to transmission control protocol/internet protocol (TCP/IP) protocol.

32. (Once amended) The method of claim 24, wherein the accessing step includes sending a transaction capability application part (TCAP) formatted query message requesting the destination address.

33. (Once amended) The method of claim 24, wherein the accessing step includes sending a transmission control protocol/internet protocol (TCP/IP) formatted message carrying a database query requesting the destination address.

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